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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,219	07/14/2000	Timothy B. Demers	42472.1	7012

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EXAMINER

PHAN, TAM T

ART UNIT PAPER NUMBER

2144

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/616,219

**Applicant(s)**

DEMERS ET AL.

**Examiner**

Tam (Jenny) Phan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/23/2004 has been entered.
2. Claims 1-2, 6-9, 12, and 15-16 are currently amended. Claims 2-5, 10-11, 13-14, and 17 are previously presented.
3. Claims 1-17 remain pending.

### ***Priority***

4. No priority claims have been made.
5. The effective filing date of the claimed invention is July 14, 2000.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Mackintosh et al. (U.S. Patent No. 6,349,329), hereinafter referred to as Mackintosh.
7. Regarding claim 1, Mackintosh disclosed a computer program for controlling a computer, the program comprising a recording medium readable by the computer, the recording medium itself comprising means for providing both a multimedia player

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component and an integrated Internet browser component (Figures 7, 12, column 28 line 65-column 9 line 6, column 12 lines 18-46, column 25 lines 5-11, 22-29), wherein the program permits a user to play one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring [real time access] such sources via the Internet for further relevant information (column 5 lines 38-49, column 10 lines 29-41, column 10 line 63-column 11 line 14, column 13 lines 17-56, column 14 lines 7-18).

8. Regarding claim 2, Mackintosh disclosed a computer program wherein access to the Internet is provided in the form of access to a dedicated server site or an affiliated site, or both, the site being adapted to provide related content (Figure 3, 5, 10, column 5 lines 50-58, column 6 lines 3-17).

9. Regarding claim 3, Mackintosh disclosed a computer program wherein access to the Internet further comprises a conventional browser in order to provide access to unaffiliated server sites (column 14 lines 37-65).

10. Regarding claim 4, Mackintosh disclosed a computer program further comprising one or more items of multimedia content (column 9 line 60-column 10 line 3, column 22 lines 38-46).

11. Regarding claim 5, Mackintosh disclosed a computer program wherein the multimedia content is selected from music and corresponding video and graphics (column 2 lines 52-65, column 10 lines 29-41).

12. Regarding claim 6, Mackintosh disclosed an article or manufacture for use in a computer, comprising a digital recording medium comprising computer program for

controlling the computer, the program comprising a recording medium readable by the computer, the recording itself comprising means for providing both a multimedia player component and an integrated Internet browser component (Figures 7, 12, column 28 line 65-column 9 line 6, column 12 lines 18-46, column 25 lines 5-11, 22-29), wherein the program permits a user to play one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring such sources via the Internet for further relevant information (column 5 lines 38-49, column 10 lines 29-41, column 10 line 63-column 11 line 14, column 13 lines 17-56, column 14 lines 7-18).

13. Regarding claim 7, Mackintosh disclosed a system comprising a computer program for controlling the computer, the program comprising a recording medium readable by the computer, the recording medium itself comprising means for providing both a multimedia player component and an integrated Internet browser component (Figures 7, 12, column 28 line 65-column 9 line 6, column 12 lines 18-46, column 25 lines 5-11, 22-29), wherein the program permits a user to pay one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring such sources via the Internet for further relevant information, in combination with a dedicated server adapted to be linked by the browser in order to provide related content (column 5 lines 38-49, column 10 lines 29-41, column 10 line 63-column 11 line 14, column 13 lines 17-56, column 14 lines 7-18).

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14. Regarding claim 8, Mackintosh disclosed a method of providing multimedia, the method comprising the steps of providing a computer program, for controlling the computer, the program comprising a recording medium readable by the computer, the recording medium itself comprising means for providing both a multimedia player component and an integrated Internet browser component (Figures 7, 12, column 28 line 65-column 9 line 6, column 12 lines 18-46, column 25 lines 5-11, 22-29), wherein the program permits a user to play one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring such sources via the Internet for further relevant information, loading the computer program on a client computer, establishing a connection between the Internet and the client computer, and employing the program to both play one or more items of multimedia content and access the Internet for related content (column 5 lines 38-49, column 10 lines 29-41, column 10 line 63-column 11 line 14, column 13 lines 17-56, column 14 lines 7-18).

15. Regarding claims 9, 12, and 15, Mackintosh disclosed an article, a system, a method wherein access to the Internet is provided in the form of access to a dedicated server site or an affiliated server site, or both, the site being adapted to provide related content, and further comprises a conventional browser in order to provide access to unaffiliated server sites (Figure 3, 5, 10, column 5 lines 50-58, column 6 lines 3-17, column 25 lines 5-11, 22-29).

16. Regarding claims 10, 13, and 16, Mackintosh disclosed an article, a system, and a method further comprising one or more items of multimedia content selected from

music and corresponding video and graphics (column 9 line 60-column 10 line 3, column 22 lines 38-46, column 25 lines 5-11, 22-29).

17. Regarding claims 11, 14, and 17, Mackintosh disclosed an article, a system, and a method wherein the digital recording medium comprises both audio/video/graphics and the software application on the same digital medium (column 3 lines 24-34, column 8 line 65-column 9 line 6, column 22 lines 23-46, column 25 lines 5-11, 22-29).

18. Since all the limitations of the claimed invention were disclosed by Mackintosh, claims 1-17 are rejected.

19. Claims 1-2, 4, and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts et al. (U.S. Patent No. 6,154,773), hereinafter referred to as Roberts.

20. Regarding claim 1, Roberts disclosed a computer program for controlling a computer, the program comprising a recording medium readable by the computer, the recording medium itself comprising means for providing both a multimedia player component and an integrated Internet browser component, wherein the program permits a user to play one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring such sources via the Internet for further relevant information (Title, Abstract, Figure 3, Figure 6, column 1 lines 57-65, column 2 lines 5-12, lines 23-38, column 4 lines 16-41, column 8 lines 3-25).

21. Regarding claim 2, Roberts disclosed a computer program wherein access to the Internet is provided in the form of access to a dedicated server site or an affiliated site,

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or both, the site being adapted to provide related content (column 4 lines 16-41, column 7 line 66-column 8 line 25).

22. Regarding claim 4, Roberts disclosed a computer program further comprising one or more items of multimedia content (column 2 lines 23-38, column 8 lines 10-25).

23. Regarding claim 6, Roberts disclosed an article or manufacture for use in a computer, comprising a digital recording medium comprising computer program for controlling the computer, the program comprising a recording medium readable by the computer, the recording itself comprising means for providing both a multimedia player component and an integrated Internet browser component, wherein the program permits a user to play one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring such sources via the Internet for further relevant information (Title, Abstract, Figure 3, Figure 6, column 1 lines 57-65, column 2 lines 5-12, lines 23-38, column 4 lines 16-41, column 8 lines 3-25).

24. Regarding claim 7, Roberts disclosed a system comprising a computer program for controlling the computer, the program comprising a recording medium readable by the computer, the recording medium itself comprising means for providing both a multimedia player component and an integrated Internet browser component, wherein the program permits a user to pay one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring such sources via the Internet for further relevant information, in

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combination with a dedicated server adapted to be linked by the browser in order to provide related content (Title, Abstract, Figure 3, Figure 6, column 1 lines 57-65, column 2 lines 5-12, lines 23-38, column 4 lines 16-41, column 8 lines 3-25).

25. Regarding claim 8, Roberts disclosed a method of providing multimedia, the method comprising the steps of providing a computer program, for controlling the computer, the program comprising a recording medium readable by the computer, the recording medium itself comprising means for providing both a multimedia player component and an integrated Internet browser component, wherein the program permits a user to play one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring such sources via the Internet for further relevant information, loading the computer program on a client computer, establishing a connection between the Internet and the client computer, and employing the program to both play one or more items of multimedia content and access the Internet for related content (Title, Abstract, Figure 3, Figure 6, column 1 lines 57-65, column 2 lines 5-12, lines 23-38, column 4 lines 16-41, column 8 lines 3-25).

26. Since all the limitations of the claimed invention were disclosed by Roberts, claims 1-2, 4, and 6-8 are rejected.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 3, 5, and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (U.S. Patent Number 6,154,773), hereinafter referred to as Roberts, in view of Fidelibus et al. (U.S. Patent Number 5,931,906), hereinafter referred to as Fidelibus.

29. Regarding claim 3, Roberts disclosed a computer program for controlling a computer, the program comprising a recording medium readable by the computer, the recording medium itself comprising means for providing both a multimedia player component and an integrated Internet browser component, wherein the program permits a user to play one or more items of multimedia and to access the Internet in an integrated fashion, in that topical information can be pulled from secondary sources by the application itself, or by the user, while also continually or periodically monitoring such sources via the Internet for further relevant information (Title, Abstract, Figure 3, Figure 6, column 1 lines 57-65, column 2 lines 5-12, lines 23-38, column 4 lines 16-41, column 8 lines 3-25). Roberts further disclosed a computer program wherein access to the Internet is provided in the form of access to a dedicated server site or an affiliated site, or both, the site being adapted to provide related content (column 4 lines 16-41, column 7 line 66-column 8 line 25).

30. Roberts did not disclose access to the Internet, which further comprises a conventional browser in order to provide access to unaffiliated server sites. However, in

an analogous art, Fidelibus disclosed means for user to access the Internet to surf other features of the Web site (column 8 lines 9-18).

31. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a conventional browser in order to provide access to unaffiliated server sites in order to give users more flexibility. This feature will allow users to enjoy the multimedia component and its supplemental content while able to access the Internet for further user actions such as view credit card statement, pay bills, etc. (Fidelibus, column 8 lines 21-24).

32. Regarding claim 5, Fidelibus disclosed a computer program wherein the multimedia content is selected from music and corresponding video and graphics (column 2 lines 57-64).

33. Regarding claims 9, 12, and 15, Roberts and Fidelibus combined disclose an article, a system, a method wherein access to the Internet is provided in the form of access to a dedicated and affiliated server sites adapted to provide related content, and further comprises a conventional browser in order to provide access to unaffiliated server sites (Roberts, column 4 lines 16-41, column 7 line 66-column 8 line 2; Fidelibus, Figure 3, column 4 lines 64-67, column 5 lines 1-20, column 8 lines 21-24).

34. Regarding claims 10, 13, and 16, Fidelibus disclosed an article, a system, and a method further comprising one or more items of multimedia content selected from music and corresponding video and graphics (column 2 lines 57-64).

35. Regarding claims 11, 14, and 17, Fidelibus disclosed an article, a system, and a method wherein the digital recording medium comprises both audio/video/graphics and

the software application on the same digital medium (column 2 lines 11-26, lines 50-67, column 5 lines 1-20).

36. Since all the limitations of the claimed invention were disclosed by the combination of Roberts and Fidelibus, claims 3, 5, and 9-17 are rejected.

***Response to Amendment***

37. Applicant's arguments, filed 08/23/2004, with respect to claims 2, 8-9, 12, and 15-16 rejected under 35 U.S.C. 112 have been fully considered and are persuasive. The rejection has been withdrawn.

38. Applicant's arguments with respect to claim 1-17 under 35 U.S.C 102(e) and 103(a) have been considered but are moot in view of the new ground(s) of rejection.

39. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

***Conclusion***

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Stautner et al. (U.S. Patent Number 6,172,677) titled "Integrated content guide for interactive selection of content and services on personal computer systems with multiple sources and multiple media presentation" disclosed an integrated content guide for multiple sources is provided with hypertext type links to allow for the selection of various programs. The hypertext links are provided for a transmitted and then stored digital bit stream. This allows for the embedding within the content guide what could be additional commercial information. The embedding may also be as to additional information for other related television or

radio shows or the like. Information can be additional television shows, related information or activities on on-line services or automatic telephone ordering of products or services being displayed.

b. Legall et al. (U.S. Patent Number 6,005,565) titled "Integrated search of electronic program guide, internet and other information resources" disclosed a system that enables a user to search an electronic program guide and other information resources with one search. A search tool window is displayed that enables a user to select filter elements used to search. The search tool performs a search of the electronic program guide and information resource and modifies the display of the electronic program guide to identify those programs that are filtered from the search. Preferably the information resource is the World Wide Web and the URLs of the web sites that include information relative to the filter elements are displayed. The user can then view the electronic program guide and select broadcasts of programs to display as well as proceed to the web sites indicated simply by selection of the corresponding elements on the display.

41. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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November 3, 2004